

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**NOTICE OF DEFENDANT'S FAILURE TO ANSWER COMPLAINT PER SUMMONS**

Mark N. Fellenz  
PLAINTIFF

V.

Enkata Technologies  
DEFENDANT

CIVAL ACTION

NO. 04•10563 PBS

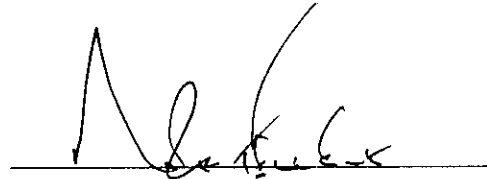
**STATEMENT**

1. Mark Fellenz ("Plaintiff") hereby requests the Court award Plaintiff the relief demanded in the Complaint and first Amendment as default judgment against Enkata Technologies ("Defendant") with respect to the above Civil Action for Defendant's failure to serve upon Plaintiff an answer to the Complaint. The Summons specified twenty (20) days (exclusive of the day of service) as the allotted time to respond. Summons was executed against Defendant on December 7, 2004, and as of the time of this filing, the twenty (20) day period has expired with no response having been served.
2. It is furthermore noted that no response of any kind has been received from Defendant, which is entirely consistent with Defendant's demonstrated behavior to ignore and evade the matter. This matter has consumed an extraordinary amount of Plaintiff's time and imposed an incredible stress on Plaintiff's health insurance and healthcare situation, all over a clear-cut instance of Defendant having ignored and now evaded its fiduciary responsibilities dating back to September 2002.

3. Plaintiff hereby requests judgment in full and as specified in the Complaint and first Amendment.

Given the Pro Se nature of this filing, Plaintiff trusts that this request does not jeopardize any of Plaintiff's options in seeking resolution to this long outstanding matter. In the case some options are jeopardized, Plaintiff trusts the Court to act in Plaintiff's best interests while at the same time pronouncing default judgment.

Signature

A handwritten signature in black ink, appearing to read 'Mark Fellenz', written over a horizontal line.

Name

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